

LIBERAL EDUCATION DEPARTMENT

May 8, 2004

The Honorable Tommy Thompson  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

FR Doc. # 04-7984  
PUBLIC COMMENT 8400026

Dear Secretary Thompson:

I am writing to you in order to state my reasoned opposition to the federal government's policy of random drug testing, because the practice is not cost-effective, fails as a deterrent, and is an unwarranted invasion of the privacy of citizens of the U.S., who should not be compelled give up their constitutional rights when they become/become governmental employees as well as being a waste of taxpayers' money.

The fact of the matter is that a mere one-half of one percent of governmental workers fail the test, which is far lower than that of the private sector. And even the private sector is moving away from the practice, preferring other methods, such as testing on the basis of "reasonable suspicion" or after an accident.

"Most employers are finding they're not getting the return on investment they thought they would," said Eugene F. Ferraro, chief executive of Business Controls Inc., which helps Fortune 500 companies develop drug programs and policies and conduct undercover investigations of employees suspected of drug use.

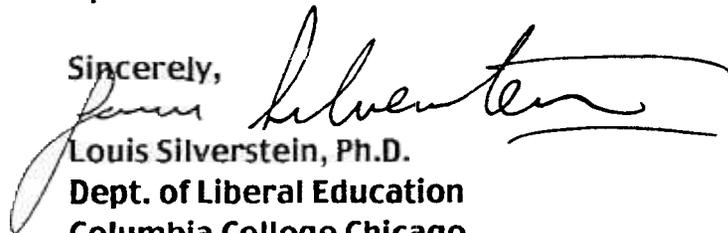
Eric Rolfe Greenberg, a statistician for the association, said that after surveying firms on workplace drug testing every year from 1987 to 1996, he could make no statistical case that screening acts as a deterrent.

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**The Supreme Court has upheld the legality of federally mandated drug testing but has repeatedly emphasized that suspicionless drug testing passes constitutional muster only where it is aimed at employees in safety-sensitive positions, such as airline pilots or Amtrak train operators.**

Sincerely,



Louis Silverstein, Ph.D.

**Dept. of Liberal Education  
Columbia College Chicago  
600 S. Michigan Avenue  
Chicago, IL. 60605**